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LB 1085

SENATOR CUDABACK: Thank you, Mr. Clerk. There are...there are no further lights on. We're discussing AM3608, the Wickersham amendment to LB 1085. Senator Wickersham, did you wish to close on your amendment?

SENATOR WICKERSHAM: Well, all right. Mr. President, members of the body, I again, to refresh our memories about what the amendment does, the...it does several technical things to the underlying provisions of LB 1085. Again, it assures us that an occasional sale...the occasional sale provisions apply to a service, so that we have the same kind of a context for those kinds of events. If you remember, of course, if you have a yard sale or something, you don't have to collect sales tax because that's an occas...those events turn into what can be characterized as an occasional sale. And we had a little bit of discussion of that based on the question from Senator Bromm. The provisions on page 3 have to do with those kinds of sales. They're...that's a sale of household goods and personal effects and services. If they fall into that category of an occasional sale, you're not going to have to collect the tax. We had some concern from charitable organizations that want to hold auctions of services. They do that as a part of a fund-raising event. That's taken care of, even though there is more than one type of service that might be sold that could be subject to tax, and even though there might be more than one iteration or performance of a service which normally you would think might cause that to be considered something other than an occasional sale. That's taken care of. Purchase is redefined to include both goods and services, so that we're sure that that word is applicable in a generalized context. And we are assured that installation and application labor applied to property that would otherwise be exempt, such as common carrier property, railroad rolling stock and aircraft based in another state, remains exempt. There is a nexus provision for computer software training and provides that there is an assumption or presumption if the service is performed in this state for a customer located in this state, that there is nexus and that that would be taxable, and then again it has a provision that is applicable to companies with the depreciation add-back. If you...if you recall in the underlying provisions of LB 1085, we are asking them to add back 85 percent of that extra 30 percent